

REMARKS

Claims 1-4 and 8-11 were pending in the present application at the time of the final Office action. By virtue of this response, independent claim 9 has been cancelled, independent claim 1 and dependent claims 8, 10 and 11 have been amended, and no other claims have been canceled or withdrawn. Accordingly, claims 1-4 and 8, 10 and 11 are under consideration. Amendment of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

Rejection Under 35 U.S.C. § 102

The Examiner rejects claims 1, 3, 4, 8 and 9 under 35 U.S.C. §102(b) as anticipated by Cowland (U.S. 3,722,005) on the basis that Cowland discloses a seed electrode 9, conducting wire(s) 8, and an interface 1, and the conducting wire(s) are connected to the interface along a length of the wire(s) along their proximal ends. The Examiner further contends that claim 4 merely sets forth an intended use of the electrode. Independent claim 9 has been cancelled.

The Applicant respectfully traverses this rejection. However, in an effort to provide clarification, independent claim 1 has been amended to more particularly point that the medical lead system has a plurality of seed electrodes, each seed electrode is affixed to a conducting wire, and the implantable interface can electrically connect to each conducting wire at substantially any desired location along the length of each conducting wire.

As is described in the specification, these features of the invention allow each seed electrode to be positioned at a different distance from the implantable interface (i.e., the seed electrodes are independently positionable with respect to each other) and, thus, each seed electrode can be positioned individually with respect to interface. (*See, e.g.*, paragraphs [0011], [0014], and [0041].)

The feature of being able to make the electrical connection with the implantable interface at substantially any desired location along the length of each conducting wire is not disclosed in Cowland.

For the sake of brevity, only the rejection of independent claim 1 has been discussed in detail with the understanding that the dependent claims are also patentably distinct over the cited reference, as they depend from the independent claim. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claim, provide further, separate and independent bases for patentability. Consequently, the Applicant submits that the rejection of independent claim 1 and of the claims that depend therefrom under 35 U.S.C. § 102(b) be withdrawn.

Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 1-4, 8, and 9 under 35 U.S.C. § 103(a) as unpatentable over Boling (2002/0116042) in view of Wallace et al (2005/0137647) and Cowland (U.S. 3,722,005). Specifically, the Examiner is of the view that the basic system is disclosed in Figure 3 of Boling, although Boling does not disclose the particular electrode and wire structure. Wallace et al. is said to disclose such an electrode for brain stimulation in Figure 1 of that reference and as detailed in paragraph [0072]. The Examiner proposes that, given this teaching of Wallace et al., it would have been obvious to employ such an electrode in Boling to effect superior contact and stimulation to the brain. The Examiner further relies on Cowland as disclosing "a similar device illustrating the particular electrical connection along the length of the wire," and concludes that it would have been obvious to use such a connection in the combination since it involves a mere design expedient.

As noted above, claim 1 has been amended to more particularly point out the features of the invention whereby a plurality of seed electrodes can be independently positioned with respect to the implantable interface to which the seed electrodes are electrically connected, because each conducting wire can be electrically connected at substantially any desired location along its length to the interface.

It is respectfully submitted that none of the cited references, alone or in combination, teaches these features. Boling discloses electrodes disposed at the end of multiple distal segments of a lead body, wherein the electrodes can be at different distances or other orientations (e.g., angles) with respect to the reference point of a proximal lead body end. However, Boling does not disclose or teach or suggest

positioning multiple electrodes at distances and/or orientations that are independent of each other, through use of an implantable interface and conducting wires affixed to the electrodes that can be connected to the interface at substantially any desirable location along the length of the wires. Neither Wallace et al. nor Cowland supply the features of the claim that are not disclosed in Boling.

Again, for the sake of brevity, only the rejection of independent claim 1 has been discussed in detail with the understanding that the dependent claims are also patentably distinct over the cited references, as they depend from the independent claim. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claim, provide further, separate and independent bases for patentability. Consequently, the Applicant submits that the rejection of independent claim 1 and of the claims that depend therefrom under 35 U.S.C. § 103(a) be withdrawn.

Allowable Subject Matter

The Examiner objects to claims 10 and 11 as being dependent on a rejected base claim, but would allow those claims if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant has amended claims 10 and 11 for consistency with the amendments made to presently amended independent claim 1, but because the Applicant believes the presently amended claim 1 to be in condition for allowance without incorporation of the subject matter of claims 10 or 11, claims 10 and 11 have not been rewritten in independent form.

Information Disclosure Statement

In reviewing the file for the above-captioned matter, it came to the undersigned's attention that no Information Disclosure Statement apparently previously had been filed to cite the references that are identified in the specification of the application. Accordingly, the appropriate forms PTO/SB/08A and PTO/SB/08B are submitted concurrently herewith, together with a Request for Continued Examination.

CONCLUSION

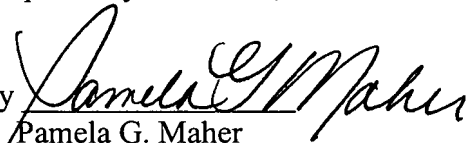
It is believed that no new matter has been added by the proposed amendments to the claims. It is hereby noted that the examples of paragraphs in the specification are provided here only in support of the proposition that the proposed new claim elements are fully supported and do not constitute new matter. The examples expressly are not intended to limit those elements beyond what is stated in the claims themselves.

In view of all of the foregoing, each of the presently pending claims in this application is believed to be in immediate condition for allowance and the Applicant respectfully requests reconsideration and that the Examiner withdraw the outstanding rejection of the claims and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, the Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 05-2268** referencing docket no. N01-04. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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